

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 25, 2007

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B194340 People v. Escatiola
B188462 People v. Wroten
B190544 People v. Addison
B194865 People v. Bejarano
B194573 People v. Tiesha P.
B197004 In re: Jamime G.
B198924 In re: James M.
B195604 Yi v. American Career College
B197342 In re: Jacob N.
B197914 In re: Diego R.

Argument waived, cause submitted.

B189184 Corber
 v.
 Prenovost Normandin Bergh & Dawe
 Kandie Abreu, et al

Merits:

Argued by Eric Norwitz for respondents Kandie Abreu, et al. No
appearance on behalf of appellant or respondent Prenovost Normandin
Bergh & Dawe. Cause submitted.

DIVISION TWO (continued)

B194182 Roman Sitnyakovsky
 v.
 General Anesthesia Specialists, et al.

Merits:

Argued by appellant Roman Sitnyakovsky, in propria persona and by Arthur E. Zitsow for respondents. Cause submitted.

B191175 Dennis Gertmenian
 v.
 Karen Gertmenian

Merits:

Argued by Robin Meadow for appellant and by Jeannie Evans for respondent. Cause submitted.

B191279 Patris Alikhani
 v.
 Warner Bros., et al.

Merits:

Argued by John Blumberg for appellant and by Nicholas M. Gedo for respondents. Cause submitted.

B187383 George Frangie, et al.
 v.
 Iris Limited Partnership

Merits:

Argued by Douglas G. Benedon for appellants George Frangie, et al. and by John B. Wallace for respondent. Cause submitted.

DIVISION TWO (continued)

B185189 Betty Dunson
 v.
 Dept. of Children and Family Services

Merits:

Argued by Benjamin Robinson for appellant / respondent Betty Dunson and by Douglas Fee for respondent / appellant Dept. of Children and Family Services. Cause submitted.

B192830 Panahpour
 v.
 Nansay USA, Inc., et al.

Merits:

Argued by Eric Y. Nishizawa for appellant / respondent Panahpour and by Patrick L. Garofalo for respondent / appellants Nansay USA, Inc., et al. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter, Deputy Clerk.

B182533 People
 v.
 Wood

Merits:

Argued by Diana M. Teran for appellant and by Herbert S. Tetef, Deputy Attorney General for respondent. Cause submitted.

DIVISION TWO (continued)

B194285 People
 v.
 Basulto

Merits:

Argued by Jennifer McDonald, Deputy District Attorney for appellant and by Kevin D. Sheehy for respondent. Cause submitted.

Justice Doi Todd assumes the bench.

B195950 AM-Mark Label, Inc.
 v.
 Philip Chiang

Merits:

Argued by Roger C .Hsu for appellant and by Robert D. Feighner for respondent. Cause submitted.

B197355 Los Angeles County, D.C.S.
 v.
 Marissa O.

Merits:

Argued by Leslie A. Barry for appellant and by Jacklyn Louie, Deputy County Counsel for respondent. Cause submitted.

B196137 Southeby's International Realty, Inc., et al.
 v.
 Deborah Moore

Merits:

Argued by Julie Fleming for appellants and by Bruce Tackowiak for respondent. Cause submitted.

DIVISION TWO (continued)

B193030 Arthurs Leeds, et al.
 v.
 Galpin Motors, Inc., et al.

Merits:

Argued by Arthur Leeds for appellants and by Christopher T. Williams for respondents. Cause submitted.

B195694 People
 v.
 Young

Merits:

Argued by Cassandra Hart-Franklin, Deputy Attorney General for appellant and by Monica L. Thelen, Deputy Public Defender for respondent. Cause submitted.

Court adjourned.

DIVISION THREE

B199942 City of Los Angeles (Not for Publication)
 v.
 Workers Compensation Appeals Board
 Lucina M. DeLeon, Respondent

The Board's decision is reversed and the order denying reconsideration annulled. The matter is remanded for further proceedings as necessary consistent with this decision. Petitioner's request for a stay of execution of the Board's order is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (continued)

B193502 Serrano, et al.
v.
Stefan Merli Plastering Company, Inc.
Coast Court Reporters

Filed order vacating submission order of August 14, 2007. Due to the press of other court business and the complexity of the issues in this case, a brief additional amount of time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION FOUR

B183267 People (Not for Publication)
v.
Bocanegra

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Suzukawa, J.

B196559 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FOUR (continued)

B166427 People (Not for Publication)
v.
Moore et al.

The judgments of conviction are affirmed. Moore's sentence is modified as follows: 1) the sentences on counts 2 and 3 are stayed pursuant to section 654; 2) the 12022.53, subdivision (b) enhancement on counts 2 and 3 is stricken; and 3) the section 667 enhancement imposed on counts 2 through 4 is stricken. Robinson's sentence is modified by ordering the sentences on counts 2 and 3 stayed pursuant to section 654. The judgments, as modified, are affirmed. The court is ordered to prepare an amended abstract of judgment for defendants Moore and Robinson and to forward a corrected copy to the Department of Corrections.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B196559 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

DIVISION FIVE

B190196 Takako Hawkins, et al., (Not for Publication)
v.
Merrill Lynch, Pierce Fenner & Smith, Inc. et al.,

The other granting summary judgment is reversed as to defendants, Merrill Lynch, Pierce Fenner & Smith, Inc., Merrill Lynch Co., Inc., Merrill Lynch Life Agency, Inc., and Merrill Lynch Insurance Group Services, Inc. The order granting summary judgment in favor of defendant, Jonathan H. Pardee, is deemed to be an order granting summary adjudication and is affirmed. The orders sustaining the demurrers to the causes of action of fiduciary duty breach (sixth and seventh), constructive fraud (eighth), and negligence (eleventh) in the first amended complaint are reversed. The orders sustaining the demurrers to the remaining causes of action in the first amended complaint are affirmed. Plaintiffs Takako Hawkins, Clive Hawkins, and Stan Mandell, as conservator of the Estate of Thelma Jean Fenter, are to recover their costs incurred on appeal jointly and severally from defendants.

Turner, P.J.

I concur: Kriegler, J. (opinion)
I dissent: Mosk, J. (opinion)

B192857 Elias Real Estate, LLC (Certified for Publication)
v.
Po-Tsung Tseng, et al.,

The judgment in favor of Elias is reversed. Appellants to recover their costs against Elias. The judgment in favor of Fox Realty is affirmed. Fox Realty to recover its costs against appellants.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION FIVE (continued)

B194730 Po Tseng et al., (Not for Publication)
 v.
 W & J Fox Realty

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, Acting P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION SIX

B192561 The People (Not for Publication)
 v.
 Macias

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

B190282 The People (Not for Publication)
 v.
 McCray

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (continued)

B186141 The People (Not for Publication)
 v.
 Venzor

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

DIVISION EIGHT

B191640 People (Not for Publication)
 v.
 Newman,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
 Flier, J.

B191927 People
 v.
 Schacknies

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)